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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,970	01/17/2001	Philippe Mace	PF980045	1467
7590	11/18/2003		EXAMINER	
Joseph S Tripoli Thomson Multimedia Licensing Inc Patent Operations CN 5312 Princeton, NJ 08543-0028			TRAN, TRANG U	
			ART UNIT	PAPER NUMBER
			2614	
DATE MAILED: 11/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/743,970

Applicant(s)

MACE, PHILIPPE

Examiner

Trang U. Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3-5 and 11-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, 6, 9-10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Greer et al. (US Patent No. 5,574,798).

In considering claim 1, Greer et al discloses all the claimed subject matter, note 1) the claimed wherein said device comprises a circuit (MP) for calculating a minimum duration (d) of utilization of the data, which is proportional to the amount (L) of data contained in the data set is met by the CPU 22 which is programmed by an image analyzer program 24 to determine the amount of information in each of the images, the result is passed to a display time converter program 30 to determine the length of time that each image should be displayed based on the amount of information in the respective image, the greater the information content, the longer the image is displayed (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 2, the claimed wherein the minimum duration (d) is an increasing function of the size of an area of the memory empty of data is met by the empty area of the RAM 20 (Figs. 1 and 2, col. 2, line 39 to col. 7, line 10).

In considering claim 6, the claimed wherein the area of the memory for storing the processed data intended to be utilized is divided into various memory spaces each containing a data set and wherein said device comprises a counter for tagging the various memory spaces as they are being filled so that the utilized data are those contained in the memory space tagged first is met by the counter of the weight determination program 24a, called a "histogram analyzer" routine (Figs. 3(a-c), col. 3, line 43 to col. 5, line 51).

Claims 9-10 are rejected for the same reason as discussed in claims 1-2, respectively.

Claim 14 is rejected for the same reason as discussed in claim 6.

In considering claim 16, the claimed wherein the minimum duration (d) of display of the decoded data is proportional to a parameter (m) dependent on weighting means related to the language in which the subtitle is to be displayed is met by the image analyzer program 24, called a "graphic primitive recognition analyzer" routine (Fig. 9, col. 8, lines 24-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greer et al. (US Patent No. 5,574,798) in view of Yagasaki (US Patent No. 5,847,770).

In considering claim 7, Greer et al disclose all the limitations of the instant invention as discussed in claim 1 above, except for providing the claimed wherein the detected data set represents a subtitle consisting of coded data detected in a flow of data conveyed according to the MPEG 2 System transport standard and wherein the processing circuit is a circuit for decoding the coded data, the utilization of the data being the displaying of the decoded data on screen. Yagasaki teaches that referring to Fig. 1 of the drawings, a picture and subtitle encoding apparatus is shown and is comprised of a picture encoding apparatus 20 and a subtitle coding apparatus 26, picture encoding apparatus is comprised of an encoder unit 22 and a buffer memory 24, wherein a video image (i.e., a picture signal) is supplied to encoder unit 22, which may be an MPEG encoder, and which encodes the video signal in a manner well known in the art, and which supplies the encoded signal to buffer memory 24 which temporarily stores the encoded signal therein (Fig. 1, col. 1, line 1 to col. 2, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the MPEG encoder as taught by Yagasaki into Greer et al.'s system in order to encode and decode subtitle data which are operable to efficiently encode/decode and subsequently output a subtitle signal representing one or more subtitles to be displayed on a video image.

In considering claim 8, the claimed a decoder operating as claimed in the MPEG 2 video standard, wherein said decoder comprises the device as claimed in claim 7 is met by the MPEG encoder (Fig. 1, col. 1, line 1 to col. 2, line 11) of Yagasaki.

Claim 15 is rejected for the same reason as discussed in claim 7.

Allowable Subject Matter

6. Claims 3-5 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

TT TT
November 16, 2003


MICHAEL H. LEE
PRIMARY EXAMINER